

The average woman is much more interested in shopping news than she is in theatrical news.—W. D. Fellows.

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Some circulation statements, like boarding house hash, have some things in them put there through sheer nerve.—Rusty Mike's Diary.

## STATES CANNOT MAKE RATES FOR RAILWAYS

Highest Court of the Land Affirms Decisions in Cases From North Carolina and Minnesota.

Strong Dissenting Opinion by Justice Harlan—Attorney General Young's Opinion of the Probable Effect.

Justice Harlan's dissenting opinion expressed the view that the decisions of the court in the Minnesota and North Carolina cases marked a new era in the relationships between the states and the federal government and between the federal and state courts. He contended that the suit of the railroad company in the Minnesota case was in reality a suit against the state and he dwelt at length upon the enormity of permitting a subordinate United States court to order the imprisonment of an official of a sovereign state to test a law of that state.

"If this can be done," he said, "why can't a similar injunction be put on a grand jury or a district attorney in any criminal proceeding?"

Washington, March 23.—In refusing to grant to Attorney General Young of Minnesota, a writ of habeas corpus releasing him from the penalty imposed by the United States district court for the district of Minnesota on the charge of contempt of court in instituting a proceeding in a state court for enforcement of the railroad rate law after the federal court had prohibited such a course, and in affirming the decision of Judge Pritchard of the United States circuit court for the western district of North Carolina, discharging from imprisonment James H. Wood, a ticket agent of the Southern Railway at Asheville, after he had been sentenced by the Asheville police court to serve a term on the rock pile on that road for collecting for a ticket on that road a greater price than was permitted by the state railroad law, the supreme court of the United States today added another to the series of decisions which have rendered notable the present term of that court.

Harlan Alone Dissented. In both cases the right of the states to fix rates for railroad transportation was the issue, and both involved conflicts between the federal and the state courts. The decision in each case was opposed both to the state and to their courts. The opinion of the court in both cases was announced by Justice Peckham, and with the exception of Justice Harlan all the other members of the court stood behind him in the announcement of the court's finding. Justice Harlan read a dissenting opinion in the Young case, in which he took the view that the suit was practically a proceeding against the state, therefore permissible under the eleventh amendment to the constitution. He therefore characterized the opinion as a making in the history of the court, said it had the effect of closing the courts of a state against the state itself, and that the result would be disastrous.

The two cases were so similar that both practically were decided in one opinion. The principal pronouncement was made in the Minnesota case.

Opinion by Justice Peckham. Justice Peckham's opinion was authoritatively outlined as follows: The court has decided: That by reason of the enormous penalties provided in the rate laws by way of fines against the companies and imprisonment of their agents and employees, the companies are in effect prevented from ever questioning the validity of those laws, as the risk of confiscation of property and imprisonment of agents in case the companies failed in their defense was too much to undertake in order to obtain a judicial decision of the question of such validity.

"Such laws are therefore held unconstitutional, as they prevented the companies from resorting to the courts, and therefore deprived them of equal protection of laws."

The question of sufficiency of the rates to enable the company to obtain some return to its stockholders for their investments has for many years been held to be outside the scope of the court's jurisdiction, and it was decided, as it would be a violation of the constitution of the United States to fix rates so low as to be confiscatory if enforced.

Jurisdiction of Lower Courts. "The laws providing rates for transportation of passengers and freight in the two cases under consideration have been held by the courts below to be so low as to be substantially confiscatory, and should therefore not be enforced until after further trials. The courts had jurisdiction to make such an order."

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## THOMAS F. WALSH SUPPORTS PLAN TO GIVE MINING INDUSTRY HELPING HAND

(Special to The Herald.) Washington, March 23.—Thomas F. Walsh appeared by invitation before the house committee on mines and mining today in support of a bill proposing to establish a bureau of mines. Mr. Walsh called attention to the fact that the government had never given the mining industry a helping hand, although the annual mineral production of Colorado alone is approximately \$50,000,000, and in the next twenty years will produce a billion dollars from mining alone.

He contended that the time has come when there should be a government mining bureau and that the government should employ the ablest metallurgists and mining engineers and give them proper equipment and appliances for determination and research in discovery of the best methods of treating ores and mining them economically, especially the precious metals. The same aid should be extended mining as the government extends to agriculture by means of the department of agriculture and its bureaus and divisions.

Mr. Walsh called attention to the large number of minerals found in various parts of the country, the value of which is little known on account of the lack of facilities for examination, testing and reporting upon their values. Through the agency of a government bureau untold wealth might be speedily added to the country through a determination of the values of many minerals now unworked through lack of knowledge of their properties or values. He mentioned tungsten, molybdenum, uranium and radium as among the ores found in Colorado and Utah, which could be exploited and made to yield profitable returns through reaching proper methods of concentration, analysis and treatment.



Fire Fighting vs. Prevention.

## MAYOR McCLELLAN AND COMMISSIONER BINGHAM MAKE ANSWER TO CHARGES

New York City Officials Accused by Rev. Parkhurst of Permitting Violations of the Liquor Tax Law.

Albany, N. Y., March 23.—Mayor McClellan and Police Commissioner Bingham, of New York, today filed with Governor Hughes their answers to the charges recently filed against them by the Rev. Dr. Charles H. Parkhurst, as president of the Society for the Prevention of Crime, of New York City. Both officials entered a denial of the charges, which allege that they permitted flagrant violations of the liquor tax law.

Mayor McClellan said that, "as Commissioner Bingham's commanding officer, I am responsible for all his actions of commission or omission in so far as I may be charged with knowledge of his actions. Any blame that is his is equally mine."

Not Disposed to Dodge. Should the governor think that the commissioner has done his duty the mayor asks him to dismiss the charges against both, and adds:

"Should you, on the other hand, believe that he has failed to do his duty and that I have had knowledge of that failure, then I shall have no disposition to shirk my share of the responsibility."

## DECISION IN THE MEAT RATE CASE

Supreme Court Declines to Uphold Contention of Chicago.

Washington, March 23.—The case of the interstate commerce commission vs. the Chicago Great Western Railway company, known as the meat rate case and involving the right of the company to reduce the freight rate on livestock products without making a similar reduction in the rate on livestock itself, was decided by the supreme court of the United States today in favor of the company. The suit was instituted in the interest of the city of Chicago, it being alleged that the change had worked incalculable hardship to Chicago by diverting shipments of livestock from that city to St. Paul and to Missouri river points. The interstate commerce commission found that the change of the rate on one article without a corresponding change on the other was unlawful, but the courts refused to uphold that view.

Opinion by Justice Brewer. In the course of his opinion Justice Brewer laid down the following general proposition:

"It must be remembered that railroads are the private property of their owners; that while from the public character of the work in which they are engaged the public has the power to prescribe rules for securing faithful and efficient service and equality between shippers and communities, yet in no proper sense is the public a general manager. It follows that railroad companies may contract with shippers for a single transportation or for successive transportations, subject though it may be to a change of rates in the manner provided in the interstate commerce act."

The friends of the governor and the state officials, with few exceptions, have abandoned hope for his recovery. The patient suffered much pain last night, but was quite comfortable this afternoon and evening.

## COUNCIL TAKES A HAND IN WAR ON DEMON RUM

Ordinances Offered Require Midnight Closing and Prohibit All Private Rooms.

WILL AFFECT SALOONS AND LEADING CAFES

LICENSE OF PRODUCE PEDDLERS IS REDUCED FROM \$80 TO \$50 A YEAR.

Three drastic ordinances regulating the liquor traffic were introduced in the council last evening.

One provides for the closing of all saloons at midnight and for keeping them closed until 6 o'clock in the morning. Councilman Martin favored this ordinance.

The other two stipulate that no saloon or restaurant license shall be granted if the place has within it or in any manner connected with it any wine room, card room, lunch room, booth or other enclosure or place, roofed or open, with or without doors, curtains or screens of any kind. If this is passed it will mean the abolishment of the private rooms in the leading cafes as well as those in the restaurants and saloons whose notoriety caused the introduction of the ordinances. Councilman J. J. Stewart is responsible for these measures.

All three ordinances were read in full and referred to the municipal laws committee.

There will no doubt be considerable opposition to these measures, especially from the reputable restaurants and saloons, and a lively session of the committee is expected next Thursday evening when the matter comes up.

## Object to Garbage Smoke.

A number of residents living near the garbage crematory in the north end of the city protested against the burning of garbage on a vacant lot near that institution. This is done because the garbage men are generally too indifferent to go to the trouble of using the crematory. The petitioners say that they do not like to "breathe the smoke from the burning refuse of the city." The sanitary committee will look into the matter.

Citizens of Superior addition, the home of Councilman Fernstrom, want to know why they have not been favored with the five arc lamps ordered in by the council some time ago. "You have also graded our Main street," says the petition, "and since that time it has been much worse than ever before." This rather caustic criticism of Street Supervisor Raleigh's ability went to the improvements committee.

The recorder announced that sufficient protests had not been received to defeat seven extensions No. 185 and the council ordered him to advertise for bids for the work. The job will cost about \$55,000 and comprises all uncompleted work in the district bounded by Mann, My, Tenth East and Fifth and Ninth streets.

## Sewer Bond Fund Dry.

The final estimate in favor of James Keeney on the intercepting sewer was referred to the finance committee. The amount is \$24,899.75, and when it is paid the sewer bond fund will be more than exhausted. The only reason for holding up the payment is that the finance committee has grown weary of an important body that nothing that contemplates the expenditure of money can be passed without reference to it.

The contracts for sewer extensions Nos. 182 and 179 were awarded to Strange & Maguire.

An ordinance prohibiting the Utah Light & Railway company from carrying baggage and express was introduced by Fernstrom and referred to the municipal laws committee.

The ordinance reducing the license to produce peddlers from \$80 to \$50 a year was passed unanimously.

## FEWER WORKING HOURS.

Pittsfield, Mass., March 23.—A reduction in working hours went into effect today in the two largest manufacturing plants in this city. At the plant of the State General Investment Electric company, employing 1,900 men, about 10 per cent of the employees will continue to work on full time, while in certain departments the men will work but three and a half days a week and in other departments four and a half days.

At the mills of the Eaton, Crane & Pike Paper company, the 1,100 operatives went on a schedule of thirty-nine hours a week.

## HEADED FOR RENO.

Bandits Who Held Up Edward Hoffman Escaped on Handcar.

Reno, Nev., March 23.—The three bandits who held up Edward Hoffman and secured \$47,000 belonging to the Coalition Mining company yesterday made their way to Schurz during the night, stole a hand car and made their way into the Walker Indian reservation. They are now being pursued by former members of the Walker Indian police and are headed for Buckbrush Springs, the only place in the mountains where water can be secured. Their course indicates they are trying to reach Reno.

Sergeant Lundy of the Nevada state police stated this afternoon that his men under him are on guard. The belief is expressed that the robbers will be captured within forty-eight hours.

## TWO SALT LAKE MEN VISIT WASHINGTON

(Special to The Herald.) Washington, D. C., March 23.—W. D. Livingston and James A. Melville, of Salt Lake City, are here in connection with a proposed irrigation project at Bitter, Utah.

## FIND SULLIVAN GUILTY; SUGGEST A LIFE SENTENCE

Jurors Reach First Degree Murder Verdict, but Recommend Mercy.

TAKE 48 HOURS TO REACH AGREEMENT

DENNY, WHO HELD OUT LONGEST, DECLARES HE WAS NOT INTIMIDATED.

State of Utah vs. Joseph Sullivan.—We, the jury impaneled in the above case, find the defendant guilty of murder in the first degree, as charged in the information, and we recommend that he be imprisoned at hard labor in the state prison for life.

H. H. EVANS, Foreman.

Unexpectedly reaching an agreement yesterday afternoon, the jury in the case of Joe Sullivan, the highwayman who murdered Policeman Charles S. Ford, filed its verdict into Judge Armstrong's court at 4:17 o'clock and, through Foreman Hyrum H. Evans, handed in a verdict of murder in the first degree, with a recommendation that Sullivan



JOSEPH SULLIVAN.

Convicted of murder in the first degree in connection with the killing of Policeman Ford.

he sentenced to imprisonment at hard labor for life in the state penitentiary. The agreement of the jury was a great surprise, as it was the general opinion that the jurors would be unable to come to an understanding.

When the jury announced that it was ready to report, after forty-eight hours of apparently futile deliberation, Sullivan was out of the state penitentiary. He had not been brought to the city and county building owing to the impression that the jury would not be able to agree.

At 3:15 o'clock Warden Pratt was informed that Sheriff Emery and Deputy Sheriff Sharp were on their way out to the prison for the accused man. At 3:45 o'clock Sullivan, guarded by the sheriff and his deputy, started from the penitentiary for the city and county building and reached Judge Armstrong's court at 4:15 o'clock. As soon as he took his seat the jury, which had been awaiting his arrival, filed in to court. There was an expression of relief in the faces of many of the jurors. It was plain that they felt that their long task was nearing an end.

## Fateful Slip of Paper.

When the jurors were all seated Judge Armstrong asked if a verdict had been agreed upon. Foreman Hyrum H. Evans rose in reply and said:

"If it please the court, we have."

Judge Armstrong instructed Bailiff Butler to take the verdict. It was then handed to the judge, who read it carefully.

There was an intense silence in the court room while Judge Armstrong's eyes were upon the document in his hands. The little slip of paper contained the written words which told the fate of the desperado, and every man in the court room watched the judge intently, as though striving to guess the tenor of the lines he was reading. Like the others, Sullivan kept his eyes riveted upon the slip of paper.

He coaxed a smile to his face during that trying moment, but the pallor of his cheeks and the feverish gleam of his eyes told their own story. The smile upon his lips could be held there, for he had probably rehearsed his maneuvers in the event that the government would make suitable preparations, in conjunction with Admiral Sah, the ranking officer of the navy, to welcome the fleet to Chinese shores.

It is hoped that the legation that a favorable reply will be made by this government to the invitation, and the officials at the legation are confident that a hearty reception will be given to the officers and men of the fleet whenever the ships may stop.

Shanghai is the only port of any consequence in the vicinaty of Nanking, so evidently it is the expectation of the Chinese home authorities that the fleet will stop there in the event that the government feels that any more stops than those already announced should be made.

Information has reached the navy department that New Zealand and Tasmania have similar invitations on the way by mail.

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## CHINESE EXPECT THE FLEET TO VISIT THEIR SHORES AS A MATTER OF COURSE

Washington, March 23.—China, through Minister Wu, its diplomatic representative in Washington, has extended a cordial invitation for the American battleship fleet to stop in China on its way around the world.

On receipt of a dispatch from the minister of foreign affairs for China today, indicating that instructions have been given to welcome the vessels, Mr. Wu promptly sent a letter to Secretary Root. The latter was absent from the department today, and the communication will be laid before him tomorrow. The cablegram upon which Mr. Wu based his invitation came from the minister of foreign affairs at Peking.

As the American fleet is to visit the far east, we have given telegraphic instructions to the viceroy at Nanking